

EXHIBIT AA

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WASHINGTON
3

4 JESSE REYES, DANIEL REYNOSO,
5 LEAGUE OF UNITED LATIN AMERICAN
6 CITIZENS, LATINO COMMUNITY FUND
7 OF WASHINGTON,

8 Plaintiffs,

9 v.

10 BRENDA CHILTON, ET AL.,

11 Defendants.
12

Case No.

4:21-cv-05075-

MKD

13 VIDEOTAPED DEPOSITION OF

14 KEVIN OVERBAY

15 DATE: Thursday, May 25, 2023

16 TIME: 8:38 a.m.

17 LOCATION: Remote Proceeding

18 Los Angeles, CA 90017

19 OFFICIATED BY: Jonathan Sandoval, Notary Public

20 JOB NO.: 5915246
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1 A You're using a time frame that has yet to be
2 determined. You talked about between 2020 and
3 2024. We're in 2023. So I cannot adequately answer
4 that question for you.

5 Q Oh, my Gosh. You're right. Thank you so
6 much. Thank you so much. Because I absolutely meant to
7 ask you 2016 to 2020. So let me frame the question for
8 you properly. Thank you for -- you're right. Thank you
9 for pointing that out to me.

10 From 2016 to 2020, can you give me your best
11 estimate of the number of signature -- the number of
12 signatures reviewed by canvassing boards on which you've
13 served?

14 A It would be greater than one.

15 Q Is it greater than 500?

16 A Not on canvassing boards that I have served
17 on.

18 Q So somewhere between 1 and 500?

19 A That is correct.

20 Q Two hundred and fifty? right in the middle of
21 that give or take?

22 A I don't believe that I have looked at 250
23 signatures, so I would say between 1 and 250.

24 Q Okay. That wasn't as painful as -- it was
25 actually mostly made painful by the fact that I asked

1 the wrong question. Thank you for -- for clearing that
2 up for me.

3 Okay. So tell me a little bit about the
4 preparation or training that you have received prior to
5 service on any canvassing board to do that signature
6 comparison. Have you received any such training?

7 A I have.

8 Q Can you tell me when?

9 A I actually received training when I went
10 through the academy with the Washington State Patrol
11 with regards to signatures on documents in 1992. And
12 I've exercised that training that was received as a
13 portion of that profession throughout my career to
14 '17. I then attended a signature class, I believe it
15 was in 2021. That was put on by the Secretary of
16 State's Office.

17 Q Okay. So for the time period 2016 to 2020,
18 the training on which you were relying was law
19 enforcement training that you had received in 1992 and
20 used throughout your time in service with law
21 enforcement, did I understand that correctly?

22 A Correct.

23 Q And then in 2021, you received some additional
24 training that I think you said was put on by the
25 Secretary of State's Office?

1 A That is correct.

2 Q Okay. So let's talk about those two instances
3 of training. And I know now I'm asking you to reach
4 back kind of a long way. But what can you tell me -- I
5 want to talk with you about that training you received
6 in 1992. Was that part -- was the training specifically
7 focused on signature comparison? Was it part of a
8 broader training effort to help train for, you know,
9 investigating and dealing with fraud crimes? Give me a
10 little bit of context there.

11 MS. CASTILLO: Object to form.

12 A It was a broader training. In Washington
13 State, we have registrations for
14 vehicles. Registrations are required to be signed by
15 vehicle owners. One of the indicators of potential
16 vehicle theft, because not always are vehicles reported
17 stolen, is upon making contact with the individual, you
18 know, on a traffic stop is requesting not only their
19 identification but also the registration document for
20 the vehicle. Looking at if an individual who is not the
21 owner of the vehicle, either registered owner or the
22 listed owner of the vehicle, because there are two
23 oftentimes, to basically making a comparison of the
24 signature on the driver's license with the signatures on
25 the registration document or comparing names.

1 things you should be looking at, was there any
2 difference in the 2021 training and what you received in
3 law enforcement?

4 A They were similar in nature.

5 Q So the Secretary of State was instructing you
6 to look at basically the same kinds of things? Did they
7 look similar? Is one printed? Is one in cursive? Is
8 the slant the same? Is the spacing between the letters
9 the same? Those kinds of things?

10 A Correct.

11 Q In the time period 2016 to 2020, when we're
12 talking about, and again, I understand this is your good
13 faith estimate, and I'm not treating it as anything
14 otherwise, somewhere between 1 and 250 signatures with
15 the county canvassing board review. Do you know how
16 many of those ballots were rejected on the basis that
17 the canvassing board determined that there was a
18 mismatch between the signature on the ballot and the
19 comparator signature?

20 A I have no independent recollection of that.

21 Q Do you know if any votes were -- or ballots
22 were rejected on that basis during that time period?

23 A I don't recall.

24 Q While the canvassing board is reviewing -- I
25 shouldn't say is. While the canvassing board was

1 reviewing, during that time period, the -- those ballots
2 that presented potential questions about the signatures,
3 I want to talk with you about the process the board went
4 through.

5 What were you, as a member of the canvassing
6 board, looking at to determine whether or not the
7 signatures were the same?

8 MS. CASTILLO: Object to form.

9 A For me, when I look at the signatures, first
10 off, I want to look and see, you know, is it -- when we
11 were given the card and the signature, does the
12 signature look like the signature that's on the
13 card? In general appearance, does it look like, you
14 know, it has the same pressure points? You know, where
15 does the signature start? Where does it end? Are there
16 similarities in regards to the structure of the letters
17 that are constructed? Are they connected in the same
18 locations on the letters? Is it -- is the style -- is
19 it a print versus a cursive or a quasi cursive where you
20 have some folks who will write both in cursive and in
21 print, you know?

22 And taking a look at just the formation, the
23 skill by which it was done, the fluidity of -- of the
24 signature, and looking at everything there with regards
25 to the signature itself. Does it represent in part or

1 in whole the signature that was provided that is on the
2 record?

3 Q Were you -- excuse me. Were you or any other
4 members at the canvassing board given any written
5 materials for reference purposes that you could turn to
6 if you needed to in the course of comparing signatures
7 on ballots to determine whether or not to accept or
8 reject a particular ballot on the basis of the signature
9 mismatch?

10 MS. CASTILLO: Object to form.

11 A Yes.

12 Q What were those materials?

13 A It was the comparator card that was provided
14 by the election supervisor for that particular
15 individual that we would be able to look right at the
16 card itself, look at the signature, or a copy of the
17 signature on the card. And basically, look at that and
18 then have that as a side-by-side comparator to look and
19 see if there were any elements that matched.

20 Q Other than the comparator signature itself,
21 did you have reference materials maybe the Secretary of
22 State's Office had provided in the course of the
23 training? Say, well, here's something we can look to
24 help us figure out whether or not the signature matches,
25 because these materials tell us, for example, we need to

1 about is the portion of the Washington Administrative
2 Code that sets out sort of the standards, as I
3 understand them, for signature comparison.

4 Callie, did you get the e-mail?

5 MS. CASTILLO: I did.

6 MR. FUQUA: Okay. So let me make sure I
7 can do that. There we go. Okay.

8 (Exhibit 1 was marked for
9 identification.)

10 BY MR. FUQUA:

11 Q Commissioner, this is -- what you see on the
12 screen is the entirety of the exhibit, but I'm going to
13 give you -- I'm going to give you the wheel here to
14 scroll and zoom on the document if necessary while we're
15 talking about it. So you should right now be able to,
16 like I said, scroll on the document if
17 necessary. Though, the way this words -- it's a little
18 unnerving to me, because when you take the -- it moves
19 the cursor on my screen. So it -- like, I had to move -
20 - for example, I just had to move the little gallery of
21 our -- our faces off to the side so that I could see the
22 exhibit on my screen.

23 Okay. So are you familiar, Commissioner, with
24 this provision of the Washington Administrative Code?

25 A I am.

1 Q Can you tell me a little bit about how it is
2 you gained that familiarity?

3 A This was referenced in the training by the
4 Secretary of State's Office. And this was also a
5 document that I looked at in preparation for this
6 deposition.

7 Q Had you seen this administrative code before
8 that training in 2021?

9 A I don't recall if I -- I don't believe so.

10 Q Okay. So let's go through this. What I see
11 are five numbered items and then sort of an included
12 paragraph. Just make sure we're looking at the same
13 thing.

14 A Yes.

15 Q Is that what you see, sir? Okay.

16 A That is correct.

17 Q So let's go through these. One, the signature
18 is handwritten.

19 Can you tell me, Commission, what you
20 understand this standard to mean?

21 A That somebody with their own hand used a
22 writing instrument to produce a signature on a document,
23 that it was not artificially produced either by a
24 machine or artificially produced by a reproduction.

25 Q So if a signature on a ballot was typed, would

CERTIFICATE OF DEPOSITION OFFICER

I, JONATHAN SANDOVAL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



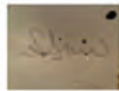
JONATHAN SANDOVAL

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State of California

☒ [X] Review of the transcript was requested.

CERTIFICATE OF TRANSCRIBER

I, SAMANTHA TAMBURRINO, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



SAMANTHA TAMBURRINO